

SHAW KELLER

LLP

4780

Andrew E. Russell
I.M. Pei Building
1105 N. Market St., 12th Floor
Wilmington, DE 19801
(302) 298-0704
arussell@shawkeller.com

November 10, 2025

VIA CM/ECF & HAND DELIVERY

The Honorable Christopher J. Burke
J. Caleb Boggs Federal Building
844 N. King Street, Unit 28, Room 2325
Wilmington, DE 19801-3555

Re: National Steel Car Limited v. FreightCar America, Inc., et al, Civ. No. 24-00594

Dear Judge Burke:

Plaintiff National Steel Car Limited (“NSC”) and Defendants FreightCar America, Inc., FreightCar North America, LLC, JAC Operations, Inc., and FCA-FASEMEX, LLC (collectively, “FreightCar America”) respectfully submit this joint letter pursuant to the Court’s August 22, 2025 Order (D.I. 110).

The parties met and conferred by a Microsoft Teams teleconference for approximately 10 minutes on November 10, 2025. Attending for Plaintiff were Andrew Russell (Delaware counsel), Kenneth Sheehan (lead counsel), and Robert Keeler (counsel). Participating for Defendants were John C. Phillips (Delaware counsel), Sean Murray, and Justin Gillett.

During the call, the parties did not reach further agreement on any claim constructions or further narrow any disputes. The parties have submitted an amended claim construction chart to reflect the agreed-upon constructions of “elephant ears” and “shear web ears,” and to update the citations to intrinsic evidence relied upon by the parties.

The parties thank the Court for its attention to these matters.

Respectfully Submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: Clerk of Court (by CM/ECF & Hand Delivery)
All Counsel of Record (by CM/ECF & Email)